

EXHIBIT 12

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 WEDNESDAY, APRIL 24, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Anna
18 Lembke, M.D., held at the offices of Lief
19 Cabraser Heimann & Bernstein, LLP, 275
20 Battery Street, 29th floor, San Francisco,
21 California, commencing at 8:07 a.m., on the
22 above date, before Carrie A. Campbell,
23 Registered Diplomat Reporter and Certified
24 Realtime Reporter.

25 - - -

26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph | 917.591.5672 fax
28 deps@golkow.com

1 Henry Schein, do you know if they're a
2 defendant in this case?

3 A. I don't recall.

4 Q. Miami-Luken?

5 A. I don't recall.

6 Q. Anda?

7 A. I don't recall.

8 Q. Earlier today you said that you
9 acknowledged the distributors' contribution
10 to the opioid epidemic; is that right?

11 A. Yes.

12 Q. Okay. Are you prepared to
13 offer an opinion in this litigation
14 concerning the contribution of any
15 distributor to the opioid epidemic?

16 A. It's my opinion -- it's my
17 understanding that other expert witnesses
18 will be offering testimony on distributors.
19 I've not been asked to offer testimony on
20 that.

21 Q. Okay. And so when you
22 referenced the pharmaceutical opioid industry
23 in your report, are distributor defendants
24 included in that insofar as -- strike all
25 that.

1 You mentioned the
2 pharmaceutical opioid industry in your
3 report, and you told Mr. Lavelle that as you
4 define that term, it includes manufacturers,
5 distributors and pharmacies; is that right?

6 A. That's right.

7 Q. When you reference misleading
8 or false marketing material and attribute it
9 to the pharmaceutical opioid industry in your
10 report, are you referring to the distributors
11 that have been named as defendants in this
12 case?

13 A. No.

14 Q. And in preparing your report,
15 did you consider any documents that were
16 produced by a distributor that is named as a
17 defendant in this case?

18 A. No.

19 Q. Do you have any training or
20 expertise in supply chain management?

21 A. No.

22 Q. Do you have any training or
23 expertise in the distribution of controlled
24 substances?

25 A. No.

Highly Confidential - Subject to Further Confidentiality Review

ACKNOWLEDGMENT OF DEPONENT

I, Anna Lembke, do
hereby certify that I have read the foregoing
pages and that the same is a correct
transcription of the answers given by me to
the questions therein propounded, except for
the corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

Anna Lembke

May 22, 2019

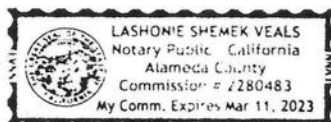
Anna Lembke, M.D.

DATE

Subscribed and sworn to before me this
22 day of MAY, 20 19.

My commission expires: MARCH 11, 2023

Notary Public Joshua M. Vela
(see attached)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN FRANCISCO

On MAY 22, 2019 before me, LASHONIE SHEMEK VEALS, Notary Public,
 Date Here Insert Name and Title of the Officer

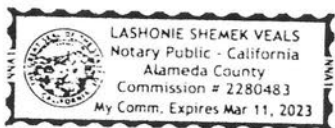
personally appeared ANNA LEMBKE, M.D.

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature

Signature of Notary Public

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Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian of Conservator☐ Other: _____

Signer is Representing: _____

ERRATA*In re: National Prescription Opiate Litigation*, MDL No. 2804

Deponent: Dr. Anna Lembke

Deposition date: April 24, 2019

Page: Line	Current	Change To	Reason
11:24	"Defendants"	Plaintiffs	Misstatement
15:9	"difficulty"	difficult	Transcription error
39:23	"be for a teenager"	be a teenager	Transcription error
47:13	"certain"	recent	Transcription error
73:23	"opioid withdraw --"	opioid withdrawal --	Transcription error
73:24	"opioid withdraw."	opioid withdrawal.	Transcription error
134: 10	"not"	now	Transcription error
160:8	"decided"	described	Transcription error
180:22	"scrutinary"	scrutiny	Spelling error
180:24	"identifying"	promoting	Transcription error
183:20	"EESG"	PPSG	Transcription error
192:24	"and"	in	Transcription error
201:20	"that"	the	Transcription error
288:15	"Opana ER and Percocet."	Duragesic and Nucynta.	Misstatement
296:2	"consistent what"	consistent with what	Transcription error
309:4	"them, as"	them: as	Transcription error
321:16-17	"counted, and"	counted. And	Transcription error
327:12	"abhorrent"	aberrant	Transcription error
399:17	"complaint"	opinion	Misstatement